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# Situation of human rights in the Islamic Republic of Iran*

## Report of the Secretary-General

*Summary*

The present report is submitted in accordance with General Assembly resolution 69/190, in which the Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its twenty-eighth session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of resolution 69/190, including recommendations to improve implementation. In its resolution, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous reports of the Secretary-General and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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# I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to General Assembly resolution 69/190, in which the Assembly requested the Secretary-General to submit a report on the situation of human rights in the Islamic Republic of Iran to the Assembly at its seventieth session and an interim report to the Human Rights Council at its twenty-eighth session. The present interim report provides information on progress made in the implementation of resolution 69/190, focusing on the concerns identified therein.

2. The report draws upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council and various United Nations entities. It also refers to information from official State media and non-governmental organizations.

3. Since the most recent report of the Secretary-General submitted to the General Assembly (A/69/306), the application of the death penalty, including in relation to political prisoners and juvenile offenders, has continued at a very high rate. Reports of the arbitrary detention and prosecution of journalists, human rights defenders and women rights activists have continued. Individuals have increasingly been targeted for their alleged contacts with United Nations human rights mechanisms, and members of minority groups have continued to face persistent discrimination and persecution. Women's rights remain a priority concern, particularly underage marriages and the underrepresentation of women in the labour force and in decision-making positions.

4. The Government of the Islamic Republic of Iran continued to engage constructively with the United Nations treaty bodies, and recently submitted its periodic reports to the Committee on the Rights of the Child (CRC/C/IRN/1) and the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/1). The Government also engaged substantively with the universal periodic review for its second cycle review. Despite these developments, none of the special procedures mandate holders of the Human Rights Council, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, has been admitted to the country.

# II. Overview of the situation of human rights in the Islamic Republic of Iran

## A. Death penalty

### 1. Use of the death penalty

5. The Secretary-General continues to express his alarm at the increasing number of death sentences handed down and executions carried out in the Islamic Republic of Iran. United Nations human rights mechanisms have repeatedly and consistently expressed their great concern at this persistent trend, and have urged the Government to end executions. A total of 41 of the 291 recommendations made to the Islamic Republic of Iran during its second cycle of universal periodic review concerned the death penalty (A/HRC/28/12).

6. On 28 October 2014, the United Nations High Commissioner for Human Rights publicly expressed serious concern at the large number of executions in the Islamic Republic of Iran, and called upon the authorities to immediately institute a moratorium on

the death penalty. At least 500 people are believed to have been executed from January to November of 2014, with some sources suggesting a considerably higher number.[1]

7. In their comments on the present report, the Iranian authorities stressed that the death penalty was only considered for the most serious crimes, including drug trafficking, which is often accompanied by acts of terrorism, and that no political prisoner had been executed. They also pointed out that defendants were granted all due process guarantees during their trial, including access to a lawyer and the right to appeal. International human rights bodies, including the Human Rights Committee (see A/50/40, para. 449), have determined that drug-related offences do not meet the threshold of the most serious crimes for which the death penalty may be applied under international law. At least seven individuals were also reportedly executed in political cases and non-violent economic crimes following proceedings that reportedly did not comply with international norms regarding fair trial and due process provided for in article 14 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party.

8. In the majority of cases that involve capital punishment, due process guarantees were often violated in proceedings that fell short of international fair trial standards. This raises concern about the potential for wrongful conviction, which is unavoidable even for the most advanced and established judicial system.[2] In the light of these concerns, the Secretary-General reiterates his call upon the Iranian authorities to restrict the use of and/or abolish the death penalty in law and practice, in particular when the judicial system is failing to guarantee international fair trial standards (see A/69/ 306, para. 9).

9. The Government of the Islamic Republic of Iran has argued that the "special circumstances" and the "existing threats from the sharp rise in the production of narcotics in the regions" near the State's borders necessitate its resort to the death penalty. According to the Government, drug-related offences amount to more than 80 per cent of overall executions (see A/C.3/69/9, annex). On 7 November 2014, however, Mohammad Javad Larijani, Head of the High Council for Human Rights of the Islamic Republic of Iran, acknowledged the need for amendments to the law on narcotics, stating that this could be the first step in bringing down the high number of executions.[3] In December 2014, the Head of the Judiciary, Sadeq Amoli Larijani, also acknowledged the need for amendments to anti-narcotic laws, recognizing that they had not proved effective in the fight against drug-trafficking.[4] The Secretary-General welcomes this acknowledgment within the judiciary that the death penalty is not effective in the deterrence of drug-related crimes. He notes the efforts made by the State to combat drug trafficking, and urges the Government to work with the United Nations to find effective alternative strategies to address this problem.

10. The Secretary-General is also concerned about a number of death penalty cases with a political dimension. On 20 July 2014, Arzhang Davoodi, an author and poet, was allegedly sentenced to death on the charge of *moharebeh* (enmity against God) in connection with his alleged membership in and support for an Iranian dissident group.[5] He was reportedly arrested in 2003 and sentenced to 10 years of imprisonment on charges of spreading propaganda against the system and establishing and directing an organization opposed to the Government. In August 2012, the Revolutionary Court reportedly introduced the charge of *moharebeh*, for which he was sentenced to death. He was

[1] At least 318 people were reportedly executed for drug-related execution in the first 11 month of 2014.

[2] OHCHR, *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*, New York, 2014.

[3] Euronews, "Iran's Larijani slams West's 'bias' on human rights", 7 November 2014.

[4] PressTV, "80% of Iran capital punishments for drug offences to go away", 8 December 2014.

[5] Amnesty International, Iranian writer sentenced to death: Arzhang Davoodi, 24 July 2014.

allegedly subjected to prolonged solitary confinement and torture. Reportedly, neither Mr. Davoodi nor his attorney was present during the trial at which he was sentenced to death. The case is currently under consideration, given that the Supreme Court overruled the judgement and ordered a retrial. Furthermore, Hamed Ahmadi, Kamal Malaee, Jahangir Dehghani and Jamshed Dehghani, all members of the Kurdish community, were at imminent risk of execution at the end of the period under review. They were reportedly convicted in 2010 on charges of *moharebeh* and *mofsed fel-arz* (corruption on earth) following trials that fell short of international fair trial standards.[5] The authorities asserted that these individuals were involved in terrorist activities and were sentenced to death on the charges of membership in a terrorist group and carrying out armed attacks against the military establishment.

11. On 25 October 2014, Reyhaneh Jabbari, who had been sentenced to death for the alleged murder of Morteza Abdolali Sarbandi, a former employee of the Iranian Intelligence Ministry, was executed despite repeated appeals by various United Nations human rights mechanisms. Ms. Jabbari reportedly stabbed Mr. Sarbandi after he allegedly attempted to assault her sexually. Ms. Jabbari maintained that her actions had been in self-defence. Serious concerns were raised about due process in this case, in particular that her conviction had been allegedly based on confessions made under duress and that the court had apparently failed to take all relevant circumstantial evidence into account.

12. In their comments on the present report, the authorities disputed the allegation of sexual assault and stressed that the judgement had been issued after all legal remedies were exhausted and that due process guarantees had been respected by the judiciary. In order to prevent the execution, the authorities stayed the execution twice to allow the two families to reach a settlement. On 31 October 2014, the delegation of the Islamic Republic of Iran participating in the second cycle of the universal periodic review argued that Ms. Jabbari had been hanged pursuant to the *qisas* (retribution in kind) system under Islamic criminal law, according to which the closest relatives of the victim determine whether the death penalty should be carried out (A/HRC/28/12, para. 134). It added that the judiciary had persistently attempted to persuade the victim's son to forgive the perpetrator, but he had refused, largely on account of media propaganda. The Iranian authorities consider *qisas* to be a private right of the victim's relatives that cannot be overruled by the judiciary; the right under international law to seek pardon or to have the sentence commuted is thereby denied to defendants.

13. The high incidence of public executions remains a concern. Indeed a spike in executions was reported in 2014; at least 50 public executions were reportedly carried out from January to the end of November, with the majority reportedly attended by a large crowd, including minors. Footage of executions is reportedly broadcast by the media, a practice that until 2014 was banned (A/HRC/22/48, para. 19). The authorities argue that public executions are aimed at deterring crimes, and that only a few cases have caused public outrage. The argument that public executions are an effective crime deterrent, however, disregards the deleterious effect on people, in particular children, who witness such scenes.

### 2. Execution of juvenile offenders

14. While the Islamic Penal Code, which came into force in June 2013, creates a more favourable environment for the implementation of juvenile justice standards for children in conflict with the law, it does not preclude juvenile executions fully. At least 160 juvenile offenders were reportedly on death row as at December 2014. According to the Special

[5] OHCHR, "Iran: Execution of juvenile offenders breaches international law – Pillay", 26 June 2014.

Rapporteur on the situation of human rights in the Islamic Republic of Iran, eight individuals below the age of 18 at the time of their offence were reportedly executed in 2014 (A/69/356, para. 7).

15. The United Nations High Commissioner for Human Rights and several special procedures mandate holders have frequently communicated their concerns to the Government on this issue. They stressed that any judgements imposing the death penalty on persons under the age of 18 and the implementation of such judgements were incompatible with the State's international obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. On 26 June 2014, the High Commissioner publicly expressed concern at the persistent execution of juvenile offenders, and stressed that, regardless of the circumstances of the crime, the execution of juvenile offenders was clearly prohibited by international human rights law.

16. While not denying the execution of juveniles convicted under the age of 18, the Iranian authorities reported that the judiciary had shown a high degree of leniency and flexibility in juvenile cases, and had established a working group to help to prevent juvenile executions, including by encouraging the families of victims and perpetrators to reach a settlement, and offering financial aid (A/C.3/69/9, annex). On 11 November 2014, the Deputy Chief of the Judiciary for Cultural Affairs pointed out that, although persons below the age of 18 could not be executed in the Islamic Republic of Iran, if a person was convicted of murder, the execution would be carried out after the person turned 18.[7] This stance runs counter to international human rights standards, which impose an absolute ban on the execution of persons who were under 18 at the time of their offence.

17. During its first universal periodic review, the Islamic Republic of Iran accepted a recommendation to consider the abolition of juvenile executions.[8] The Secretary-General renews his call to the Government to halt the execution of juvenile offenders and to undertake a special review of the cases of children on death row with a view to commuting or quashing their death sentences.

## B. Reprisals against activists cooperating with the United Nations

18. Allegations of reprisals against individuals because of their cooperation or for establishing contacts with the United Nations human rights mechanisms or representatives remain a cause for great concern. In 2014, special procedures mandate holders constantly raised cases of reprisals against individuals who had collaborated with the United Nations, particularly the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Of the 29 communications transmitted to the Iranian authorities from January to November 2014, four communications related to cases of acts of reprisal, double the number seen the previous year. In their comments on the present report, the Iranian authorities stated that no individual had been prosecuted because of their contact with United Nations human rights mechanisms.

19. On 2 June 2014, Saeed Shirzad, a human rights activist and member of the Society for Defending Street and Working Children, was reportedly arrested at his workplace by officials from the Ministry of Intelligence. He was allegedly held at the detention facility of the Ministry before being transferred to Evin prison in Tehran. He reportedly spent the first

[7] Tasnim news, 11 November 2014 (available from www.tasnimnews.com/home/single/554662).

[8] With regard to the present report, the authorities stated that the new Islamic Penal Code provided more favourable treatment for juvenile offenders: in cases not involving *qisas*, article 89 of the Code commuted punitive measures for minors between 15 to 18 years to, for example, incarceration in a correction centre, a short prison term or a pecuniary fine.

two months of detention in solitary confinement, with no contact permitted with his family or a lawyer. Although no indictment had been issued against Mr. Shirzad, on 18 August, he was reportedly verbally informed of his charges, which included association and collusion against national security, propaganda against the system and cooperation with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Dr. Mohammad Ali Taheri, the founder of the Erfan-e-Halgheh (inter-universalism) spiritual group who is currently serving a five-year prison sentence handed down in October 2011 on charges of insulting Islamic sanctities, reportedly faced additional charges and intensified pressure on his family for sending a letter to the Special Rapporteur. Following the publication of the letter in June 2014 in which Dr. Taheri described the abuse committed in prison, the authorities reportedly detained his wife from 2 July 2014, for two weeks, and laid new charges against Dr. Taheri.

20. Mohammad Reza Pourshajari (also known as Siamak Mehr), was reportedly arrested on 30 September 2014 and charged with acts against national security, propaganda against the system, of attempting to leave the country iliegally, and contact with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and with anti-revolutionary organizations. He had been released on 23 August after having served a four-year prison term for propaganda against the State, insulting the Supreme Leader and defamation of Islam.

21. The Secretary-General encourages the Government of the Islamic Republic of Iran to protect individuals from all act of reprisal, and to investigate and ensure accountability for all cases of intimidation and reprisal.

## C. Situation of women

22. The Secretary-General welcomes the gains made in higher education and health for women, as well as the efforts to integrate women in the socioeconomic sphere. Some of the positive steps taken include the establishment of a foundation for entrepreneurial development of women and cooperatives to alleviate poverty and female groups that assist female heads of households and provide self-employment loans and grants to women (see A/C.3/69/9, annex). In their comments on the present report, the Iranian authorities pointed out that measures to promote the political and socioeconomic status of women had been taken. They included the appointment of women affairs advisers to all ministries and governmental organizations, the establishment of a women and children's rights protection centre in the judiciary, the appointment of female advisers to family courts, legislative reforms that promote the status of women and the creation of special funds in the Ministry of Justice for female victims of violence.

23. Despite the above-mentioned achievements, women only account for 16 per cent of the labour force (A/69/356, para. 64). According to the Global Gender Gap Index for 2014 of the World Economic Forum, the Islamic Republic of Iran ranked no. 137 out of 142 countries. Furthermore, men earn 4.8 times more than women (A/69/356, para. 67). With regard to women in ministerial positions, the Index ranked the Islamic Republic of Iran no. 105 out of 142 countries, and there are few women in managerial or decision-making roles (A/69/356, para. 69) – despite the emphasis that article 3 of the Charter of Women's Rights and Responsibilities in the Islamic Republic of Iran places on the right of women to equal wages, privileges and work conditions. The draft comprehensive population and family excellence plan, reportedly currently being considered by parliament, would further restrict the participation of women in the labour force. Preference for employment opportunities would be given, in order, to men with children, men without children, then lastly to women with children. Furthermore, teaching positions in higher education and research institutions would be reserved for qualified married applicants (A/69/356, para. 70).

24. According to article 1117 of the Civil Code, a husband may prevent his wife from occupations or technical work deemed incompatible with family interests or his own dignity or that of his wife.[9] The law may even prevent women from pursuing artistic activities. For instance, on 30 September 2014, the Head of the Family of Martyrs and Veterans Association filed a suit against the Minister for Cultural Affairs for allowing women to sing solo in concerts.[10]

25. The Secretary-General welcomes the efforts made by the Islamic Republic of Iran to combat violence against women, which is critical to their ability to participate in civil, political, economic, development, educational, social and cultural life. The Government is reportedly supports research projects that analyse the causes and motives for gender-based violence and is working to develop preventative strategies (see A/C.3/69/9, annex). The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that 66 per cent of women had reportedly experienced domestic violence (A/69/356, para. 18).

26. Section 2 of the Charter of Women's Rights and Responsibilities in the Islamic Republic of Iran stresses the right to be aware of the appropriate criteria for choosing a spouse, and also the right to become acquainted with that person before marriage. Despite this assertion, child marriage remains prevalent in the country. The legal age of marriage for girls is only 13, and some as young as 9 years of age may be married with the permission of the court. In 2011, about 48,580 girls between the age of 10 and 14 were married; and in 2012, there were at least 1,537 girls under the age of 10 who were reportedly married (A/69/356, para. 40).

27. Child marriage is a violation of human rights that put women and girls at risk of physical, psychological, economic and sexual violence and can lead to a range of poor health and social outcomes and other negative consequences, including early pregnancy and high rates of maternal and infant morbidity and mortality. The lack of legal protection and safe houses for women to seek refuge forces them to live in situations of abuse, which may lead them to commit acts of violence. In 2010, for example, Razieh Ebrahimi was reportedly convicted of killing her husband when she was 17 years old. She was reportedly married at the age of 14, gave birth to a child at 15, and was reportedly subjected to physical and psychological abuse from her husband. She reportedly admitted to have killed her husband while he was asleep. Her request to the Supreme Court for a retrial was reportedly declined; her execution could now be carried out at any time. Furthermore, laws continue to allow for marital or spousal rape and discriminate between men and women with regard to the spouse's ability to initiate and complete divorce. A woman is required to prove that a significant threat has been made to her life in order to be able to file for divorce (A/60/356, para. 19). Such laws make it difficult for women to escape domestic violence and to protect themselves from any real and immediate risk to life or integrity.

28. Nationality laws in the Islamic Republic of Iran do not grant women equal rights when transferring their nationality to their children. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as at January 2015, there were more than 950,000 refugees from Afghanistan and 32,000 from Iraq living in the country.[11]

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[9] See submission by http://www.uprstinfo.org/sites/default/files/document/iran_islamic_republic_of/session_20_-_october_2014/freemuse_upr20_irn_e_main.pdfFreemuse for the universal periodic review of the Islamic Republic of Iran, 2014.

[10] International Organisation to Preserve Human Rights in Iran, "Group sues minister for letting women sing solo", 1 October 2014.

[11] UNHCR, 2015 UNHCR country operations profile: Islamic Republic of Iran.

Iranian women who marry men from Iraq or Afghanistan are unable to pass on their Iranian nationality to their children, who thereby risk becoming stateless. Gender-discriminatory nationality laws often lead to the statelessness of women and children, or to situations where a woman, her children or husband are deprived of the nationality of the country where they reside.[12]

29. On 20 June 2014, Ghocheh Ghavami, a British-Iranian woman, was reportedly arrested and subsequently convicted to a year of imprisonment and a two-year travel ban for protesting peacefully against a State ban on Iranian women attending male volleyball and football games in a stadium.[13] She was reportedly held for 41 days in solitary confinement and charged with propaganda against the establishment and attending gatherings and demonstrations against the system.[14] On 22 September, the Public Prosecutor dismissed claims that Ms. Ghavami had been detained for attending a sport event, explaining that she had been arrested because of her activities against the establishment and for her links with satellite channels, including BBC Persian.[15] She was later released on bail for an amount equivalent to $37,000.

30. Women in the Islamic Republic of Iran are required to observe Islamic dress code in public places. The parliament reportedly recently approved a plan "on the protection of promoters of virtue and preventers of vice", which would increase checks on improper veiling. In their comments on the present report, the Iranian authorities reported that the plan had been sent back to the parliament by the Guardian Council after it found 14 paragraphs in conflict with the Constitution. The morality police strictly monitor all public places, including vehicles, and take action against those who do not adhere to the morality codes. Women who appear without an Islamic *hijab* risk arrest and imprisonment of between 10 days and two months, or a fine of up to 500,000 rials. Approximately 30,000 women were reportedly arrested between 2003 and 2013, with many others subjected to expulsion from university or banned from entering public spaces, such as parks, cinemas, sport facilities, airports and beaches.[16]

31. The acid attacks in October 2014 against six women for allegedly wearing improper *hijab* in Isfahan, Kermanshah and Tehran highlights the risks to health and safety run by women.[17] The incidents drew considerable attention both domestically and internationally, with concerns being were expressed that the attacks might be linked to the approval of the plan on the protection of promoters of virtue and preventers of vice. On 22 October, security forces reportedly attacked with batons protestors who had gathered in front of the parliament to denounce the acid attacks.[18] Journalists and activists were detained, including

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[12] In their comments on the present report, the Iranian authorities pointed out that a law adopted in 2006 provides that children born in the Islamic Republic of Iran from a marriage of an Iranian woman with a foreign man could be granted Iranian nationality if they had no criminal or national security-related record.

[13] PressTV, "Iran Judiciary rejects media propaganda on Qavami case", 18 November 2014.

[14] Human Rights Watch, Iran: "Free Woman in Sports Protest Case", 8 November 2014; PressTV, "Iranian-British national, Ghoncheh Qavami, released on bail", 23 November 2014.

[15] PressTV, "Iran Judiciary rejects media propaganda on Qavami case", 18 November 2014.

[16] Justice for Iran, "Disciplining Bodies, Diagnosing Identities, Mandatory Veiling, Mandatory Sterilization, Sexual Torture and the Right to Bodily Integrity in the Islamic Republic of Iran" submission for the universal periodic review of the Islamic Republic of Iran, 2014.

[17] International Campaign for Human Rights in Iran, "Sotoudeh: Acid Attacks on Women Show 'Plan to Promote Virtue' Must Stop", 22 October 2014.

[18] International Campaign for Human Rights in Iran, "Protesters Deploring Acid Attacks against Women are Beaten and Arrested", 24 October 2014.

[19] Saeed Kamali Dehghan, "Iranian journalists detained after reporting on acid attacks", *Guardian*, 28 October 2014.

members of the Iran Student News Agency, who were reportedly interviewing victims and photographing the protest.[19]

32. The Secretary-General urges the Islamic Republic of Iran to review critically the plan on the protection of promoters of virtue and preventers of vice, which may allow individuals to target women who are dressed in a manner deemed unconventional.

## D. Restrictions on freedoms of expression and of peaceful assembly

### 1. Freedom of expression

33. The continued crackdown on media professionals, the pervasive restrictions on freedom of opinion and expression, including the closure of newspapers and magazines, and the ongoing monitoring, filtering and blocking of websites that carry political news and analysis raise great concern. Individuals who have expressed their views on social media or appeared in videos have been targeted and prosecuted. Some 5 million websites are currently blocked, and the Government is reportedly planning to implement "smart filtering", which would further restrict content on the Internet (A/69/356, para. 22). The creation of a "national Internet", announced in 2006, would further restrict users' access to the global Internet.[20] On 21 September, the Prosecutor General urged the Minister for Communication and Information Technology to immediately block messaging services such as Viber, Tango and WhatsApp, which, he claimed, were being used to disseminate derogatory remarks about the Supreme Leader.[21] According to a report on the website of the news agency Khabaronline (www.khabaronline.ir), on 12 September the Head of the State cyber-police force warned that private messages on Viber and WhatsApp could be monitored and that persons circulating "insulting comments" about the Supreme Leader and other officials would be "dealt with" accordingly.

34. On 18 September, six individuals were reportedly arrested in May 2014 for making a YouTube video that showed them dancing to the popular song "Happy" were sentenced to prison terms ranging from six months to a year, and to 91 lashes. They were reportedly convicted of participating in the production of a "vulgar video clip" and of "illicit relations" between group members. Although the sentences were suspended for three years, they now risk arrest again should they commit an offence.

35. In November 2014, the Supreme Court reportedly upheld the death penalty sentence for Soheil Arabi, for "insulting the Holy Prophet" in several Facebook posts.[22] The authorities pointed out that Mr. Arabi's case was currently being reviewed and the sentence was yet to be finalized. Eight individuals, including a British national, were sentenced to a combined 123 years in prison on charges that included blasphemy, propaganda against the Government and insulting the Supreme Leader on Facebook (A/69/356, para. 27).

36. Freedom of information and expression is of paramount importance for every society; the prosecution of individuals for expressing their views on social networks not only silences legitimate peaceful expression but pushes society towards self-censorship. The Secretary-General urges the authorities to promote and protect the right of individuals to express themselves freely, and to refrain from any sanction that contravenes international human rights law.

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[20] International Campaign for Human Rights in Iran, "Internet in Chains: The Front Line of State Repression in Iran", November 2014.

[21] PressTV, "Iran Judiciary orders blocking of Viber, Tango, WhatsApp", 21 September 2014.

[22] Human Rights Watch, "Death Sentence for Facebook Posts", 2 December 2014.

37. While a number of journalists were freed in the latter months of 2014, a large number of journalists remain jailed. National security, espionage, propaganda against the system and insulting the Supreme Leader are some of the chargesfrequently invoked for the arrest and prosecution of journalists. 38. For instance, Serajeddin Mirdamadi, who returned to the Islamic Republic of Iran following the election of President Rouhani, was reportedly sentenced to six years of imprisonment on charges of propaganda against the system and crimes against national security. His sentence was reduced to three years on appeal.[23] Jason Rezaian, a journalist with the *Washington Post*, in detention since July 2014, reportedly had his detention extended for 60 days in November.[24] The authorities reported that Mr. Rezaian was facing espionage charges and that his case was currently being investigated by the Prosecutor's office. Mr. Rezaian was arrested together with his wife, Yeganeh Salehi, also a journalist. Ms. Yeganeh was, however, released on bail after 60 days in detention.[25] In an interview, Dr. Mohammad Javad Larijani stated that Mr. Rezaian had been arrested for his involvement in activities that breached the security of the State.[26] The arrest, detention and prosecution of journalists constitute a severe violation of the right to freedom of expression and breach the international obligations of the Islamic Republic of Iran under article 19 of the International Covenant on Civil and Political Rights.

### 2. Freedom of assembly

38. On 31 October 2014, in his statement to the Human Rights Council, Dr. Mohammad Javad Larijani reported on the proactive role played by more than 17,000 civil society groups in the Islamic Republic of Iran in the promotion and protection of human rights. He also stated that more than 230 political parties, 400 trade unions and specialized associations, as well as 60 religiously affiliated societies, were active in the country.

39. Human rights defenders, lawyers, students and women rights activists, journalists and trade unionists, however, continue to face restrictions, arrest, conviction and imprisonment for exercising their rights to freedom of association and freedom of expression and opinion. The authorities have not yet lifted the ban on the activities of the Workers' Union of the Tehran and Suburbs Bus Company, the Sugar Cane Workers' Union of the Haft Tapeh Sugar Cane Company and the Teachers' Association. Union activists are often subjected to politically motivated prosecution and unfair trials. More than a dozen activists are currently held in prison for merely exercising their right to peaceful assembly and association. The leaders of the Green Movement, Mir-Hossein Mousavi, and Mehdi Karoubi, have been under house arrest since 2011, with no formal charges ever brought against them, for staging a rally in solidarity with protesters in Egypt. Another worrying development is a new bill, made public early in 2014, on the activities of political parties which, if passed, would prohibit parties from activities until they obtain a permit from a five-member commission comprising representatives of the judiciary, parliament and the Ministry of the Interior (see A/69/356, paras. 38-39). It also requires political parties to notify the Ministry at least 72 hours in advance of any gathering or demonstration.

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[23] Radiozamaneh news, "Appeal court cuts journalist's sentence in half", 30 November 2014.

[24] Aljazeera, "Iran extends detention of US journalist", 4 December 2014.

[25] Sherif Mansour, "Jason Rezaian's family appeals for Iran to release him", Committee to Protect Journalists, 10 November 2014.

[26] Euronews, "Hopes raised that US-Iranian reporter could be out soon", 6 November 2014.

## E. Situation of human rights defenders and activists

40. The Secretary-General remains concerned at the shrinking space for human rights defenders, who continue to risk harassment, intimidation, arrest and prosecution for defending rights and speaking up against violations and abuse. In certain cases, the authorities have invoked national security-related charges against individuals for merely expressing their opinion and for participating in peaceful assemblies. Lawyers and human rights defenders associated with the Centre for Human Rights Defenders (founded by Nobel Laureate Shirin Ebadi), the Committee for the Defence of Political Prisoners in Iran, the Committee of Human Rights Reporters and individual lawyers representing clients in sensitive cases have in particular been attacked. This not only endangers their physical integrity but also undermines their work as human rights defenders and instils fear in society.

41. On 8 August 2014, a group of special procedures mandate holders publicly expressed their dismay at the escalating trend of arrest and sentencing of individuals exercising their rights to freedoms of expression and opinion, peaceful assembly and association.[27] They noted the arrest and sentencing of at least 36 individuals, many of whom human rights activists, between 22 May and 8 August, in connection with their activities or for expressing their opinion on social media websites. Some had also been charged for "gathering and colluding against national security" following their participation in peaceful assemblies, then sentenced to prison terms ranging from six months to more than 20 years. One individual was sentenced to 50 lashes, and another to death. Many of the trials had been marred by procedural irregularities, including deprivation of legal representation and exclusion from attending one's own sentencing.

42. On 18 October 2014, the Iranian Bar Association, allegedly under pressure from the Deputy Prosecutor of Tehran, the Head of the Evin prison court and the Ministry of Intelligence, reportedly imposed a three-year professional ban on Nasrin Sotoudeh, an internationally recognized human rights activist and recipient of the European Parliament's 2012 Sakharov Prize for Freedom of Thought, after revoking her lawyer license. Ms. Sotoudeh, who had been released on 18 September 2013 after having served half of a six-year sentence imposed on charges of acting against national security, not wearing a *hijab* during a videotaped message, propaganda against the system and membership of the Centre for Human Rights Defenders, was not allowed to present a defence during the hearing at which the sanctions were decided, in contravention of the Basic Principles on the Role of Lawyers, in particular principles 27 to 29 thereof The decision came despite the fact that, in September 2014, the Solicitors Disciplinary Tribunal had reportedly revoked a 10-year professional ban previously imposed on her. On 25 October, Ms. Sotoudeh was reportedly briefly arrested by security forces after returning from a protest against the acid attacks on women. On 8 November, Nargis Mohammadi, also a prominent human rights activist, was reportedly summoned to Evin prison court for interrogation, which lasted for six hours. She is currently at liberty but risks arrest.

43. The ongoing harassment of and professional ban on human rights activists and lawyers, who are instrumental in representing their clients and safeguarding the rule of law, is a setback for the country as a whole.

[27] OHCHR, "Iran: UN rights experts condemn the recent wave of arrest and sentencing of civil society actors", 8 August 2014.

## F. Treatment of religious and ethnic minorities

44. The Secretary-General remains concerned at reports about the situation of religious and ethnic minorities, which continue to endure abuses and discrimination. The President and other high-profile officials have publicly pledged to ensure equality, to uphold freedom of belief and religion, to extend protection to all religious groups and to amend legislation that discriminates against minority groups. In their comments on the present report, the Iranian authorities pointed out that the Constitution provides equal rights to all and that no person is prosecuted on the basis of their affiliation to a particular religious or ethnic minority group.

45. The above-mentioned commitments have not, however, been translated into results, and discrimination against ethnic and religious groups persists in law and practice (A/69/306, para. 40). Members of ethnic and religious minority groups continue to face persecution, including arrest and imprisonment, the denial of economic opportunities, expulsion from educational institutions, deprivation of the right to work, and closure of businesses and the destruction of religious sites, such as cemeteries and prayer centres. Individuals seeking greater recognition for their cultural and linguistic rights risk facing harsh penalties, including capital punishment.

46. Reports of incitement targeting the Baha'i faith and its adherents, and the destruction of sites of religious and cultural value, such as cemeteries, are of serious concern. In a press statement issued on 4 September 2014, the Special Rapporteur on freedom of religion or belief urged the Government of the Islamic Republic of Iran to take urgent action to stop the destruction of a Baha'i cemetery in Shiraz by Revolutionary Guards. He stressed that attacks on Baha'i cemeteries were in violation of the freedom of religion or belief, because they were an essential part of how people exercise and manifest their right to freedom of religion or belief and their significance goes beyond their physical presence.[28] In their comments on the present report, the Iranian authorities pointed out that burial in the cemetery had been banned since 1981 and that a substitute cemetery had been designated for Baha'is in Shiraz. They added that the destruction of the cemetery was based on public health reasons, not to denigrate the Baha'i faith.

47. In his most recent report to the General Assembly, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reported on the arrest, detention and prosecution of Christians, Sufi or Dervish Muslims and Sunni Muslims for organizing religious meetings or activities. He noted that, of 150 Sunni Muslims currently detained, the majority had been charged with serious security offences, and at least 49 Protestant Christians were being detained for their involvement in informal house churches (A/69/356, paras. 47-53).

48. At the end of the period under review, 33 members of the Kurdish community were reportedly on death row after having been sentenced to death on national security-related

[28] In August 2014, Revolutionary Guards in Shiraz reportedly vandalized and desecrated an old Baha'i cemetery, where approximately 950 Baha'is were buried. They allegedly erected a sign at the cemetery detailing plans to build a cultural and sports centre, a mosque, a library, a restaurant, a theatre and a child-care facility on the site. Remains that had been disinterred during initial excavations in April are said to have been thrown into a nearby trench. The commander of the Revolutionary Guards in Shiraz allegedly stated that the Baha'is had "no rightful place" in Iranian society and that the Islamic regime would not take note of a "foul, unclean and rootless sect". See joint press statement by the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on minority issues and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 4 September 2014.

offences,[29] including spreading propaganda against the system, gathering and colluding against national security, "corruption on earth" and "enmity against God". Serious concerns remained with regard to their guarantees of due process, given that, during pretrial detention, they were allegedly tortured and ill-treated, held for several months in solitary confinement and denied access to counsel or family members. One of the men is reported to have been a minor at the time of his alleged crime, and eight were at risk of imminent execution after their sentences were forwarded their implementation. It is feared that these individuals might have been jailed for their promotion of the Sunni religion by taking part in seminars and distributing religious reading material.

49. The Secretary-General renews his call upon the Government to respect the right to freedom of religion and belief, to address discrimination in all spheres of life, to uphold and implement legislation that protects minority groups and individuals, and to ensure the release of all individuals imprisoned on the basis of their religion or belief.

# III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

## A. Cooperation with the United Nations human rights treaty system

50. The Secretary-General welcomes the cooperation of the Islamic Republic of Iran's with the treaty bodies,[30] which has improved in recent years. In addition to periodic reports examined by the Committee on the Elimination of Racial Discrimination (August 2010) (CERD/C/IRN/18-19), the Human Rights Committee (October 2011) (CCPR/C/IRN/3) and the Committee on Economic, Social and Cultural Rights (May 2013) (E/C.12/IRN/2), the State also submitted its third periodic report to the Committee on the Rights of the Child (March 2013) (CRC/C/IRN/3-4) and its first report to the Committee on the Rights of Persons with Disabilities (December 2013) (CRPD/C/IRN/1). The Committee on the Rights of the Child will review the report of the Islamic Republic of Iran in June 2015.

51. The Secretary-General encourages the Government to comply fully with the follow-up mechanisms of the treaty bodies and to provide the information sought by the committees on the implementation of recommendations made in their concluding observations. The Secretary-General renews his call upon the Government to seize this opportunity to examine progress made in the application of the human rights treaties by means of accurate, regular and timely reporting.

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[29] Hamed Ahmadi, Shahram Ahmadi, Alam Barmashti, Jahangir Dehghani, Jamshid Dehghani, Seyed Shaho Ebrahimi, Varia Ghaderifard, Mohammad Gharibi, Seyed Abdol Hadi Hosseini, Farzad Honarjo, Mohammad Keyvan Karimi, Taleb Maleki, Kamal Molaee, Pouria Mohammadi, Keyvan Momenifard, Sedigh Mohammadi, Seyed Jamal Mousavi, Teymour Naderizadeh, Farshid Naseri, Ahmad Nasiri, Borzan Nasrollahzadeh, Idris Nemati, Omid Peyvand, Bahman Rahimi, Mokhtar Rahimi, Mohammadyavar Rahimi, Abdorahman Sangani, Amjad Salehi, Behrouz Shahnazari, Arash Sharifi, Kaveh Sharifi, Farzad Shahnazari and Kaveh Veysi.

[30] The Islamic Republic of Iran is party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. It is also a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

## B. Cooperation with special procedures

52. The Secretary-General welcomes the pledge made by the Islamic Republic of Iran to invite two thematic mandate holders for a country visit in 2015. These would be the first country visits by mandate holders since 2005 and be a step forward in the implementation of the standing invitation issued by the Government in 2002 to all thematic special procedures. Although the Government has not specified which mandate holders will be invited, it should be recalled that it had previously agreed in principle to visits by the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief.

53. The Secretary-General encourages the Government to advance its cooperation with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran by allowing him to visit the country. The mandate holder has repeatedly sought access to the country since his appointment in 2011. He has been able to meet with the Permanent Missions of the Islamic Republic of Iran in Geneva and in New York, as well as with representatives of the judiciary, members of parliament, officials from the Iranian High Council for Human Rights and members of other visiting delegations. While encouraging further such dialogue, the Secretary-General urges the Government to strengthen its cooperation with the Special Rapporteur, particularly by inviting him to visit the country.

54. Only a few replies have been received to the large number of communications sent by the special procedures to the Islamic Republic of. Of the 29 communications sent from January to November 2014, the Iranian authorities responded to only five. The majority of the communications addressed concerns with regard to cases of torture, executions, arbitrary arrest and the detention of journalists and human rights activists, the persecution of religious minorities, unfair trials and the ill-treatment of prisoners, the denial of medical treatment, and reprisals against individuals for their contact with United Nations human rights mechanisms.

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

55. The United Nations High Commissioner for Human Rights continued to raise human rights concerns with Iranian officials, including in meetings with the Minister for Foreign Affairs, the Head of the High Council for Human Rights in the Islamic Republic of Iran, the Permanent Representative of the Islamic Republic of Iran to the United Nations and visiting delegations. The High Commissioner also intervened with authorities on individual human rights cases. The Iranian authorities invited the new High Commissioner to visit the Islamic Republic Iran at a mutually convenient time.

## D. Universal periodic review

56. The Secretary-General welcomes the active engagement of the Islamic Republic of Iran with the universal periodic review by submitting its national report on the implementation of the recommendations resulting from the first review in 2010 (A/HRC/WG.6/7/IRN/1) and by sending a high-level delegation for the interactive dialogue held on 31 October 2014. During the second review, 104 delegations made statements and 291 recommendations. The Islamic Republic of Iran will provide its replies to the recommendations made at the twenty-eighth session of the Human Rights Council.

57. The Secretary-General encourages the Government to examine the recommendations made thoroughly with a view of considering their acceptance and implementation. He also encourages the Government to seek technical assistance from the United Nations and civil society organizations in order to ensure the successful implementation of the recommendations.

## IV. Recommendations

58. **The Secretary-General remains deeply troubled by the continuing large number of executions, including of political prisoners and juveniles, and reiterates his call upon the Government to introduce a moratorium on the use of the death penalty and to prohibit the execution of juvenile offenders in all circumstances.**

59. **The Secretary-General urges the Government of the Islamic Republic of Iran to create space for human rights defenders, lawyers and journalists, and to release political prisoners, including human rights defenders and lawyers detained solely for legitimately exercising their right to the freedoms of expression, association and peaceful assembly.**

60. **The Secretary-General welcomes the Government's invitation to the United Nations High Commissioner for Human Rights to a country visit, and encourages the Government to cooperate fully with the Special Rapporteur on the situation of human rights in Islamic Republic of Iran by giving him access to the country.**

61. **The Secretary-General welcomes the achievements that the State has made in the field of women's education and health, and notes the emphasis placed on gender equality by the President of the Islamic Republic of Iran, Hassan Rouhani. The Secretary-General encourages the Government to take practical steps by eliminating discrimination against women in all spheres of life, including political, social, cultural and civil areas. He urges the Government to ensure equality and protection for religious and ethnic minorities in the country.**

62. **The Secretary-General welcomes the engagement of the Islamic Republic of Iran with United Nations human rights treaty bodies, and urges the State to follow up on the concluding observations of all treaty bodies and to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

63. **The Secretary-General welcomes the active engagement of the Islamic Republic of Iran with the universal periodic review mechanism, and encourages the Government to accept the recommendations made to the State during its second review and to seek technical assistance from the United Nations and civil society in their implementation.**